

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

RASHAD JACOX,)	
)	
Plaintiff,)	
)	
VS.)	No. 12-2337-JDT/dkv
)	
CITY OF MEMPHIS, et al.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE ON DEFENDANT’S MOTION TO DISMISS

Plaintiff Rashad Jacox filed a pro se complaint pursuant to 42 U.S.C. § 1983 and paid the filing fee. On February 1, 2013, the court entered an order of partial dismissal and order to effect service of process on Defendants D. Wilkins and J. Cole. On April 9, 2013, Defendant Cole filed a motion to dismiss [DE# 21]. Magistrate Judge Diane K. Vescovo issued a report and recommendation on Defendant’s motion on August 8, 2013 [DE# 26].¹ No objections have been filed by Plaintiff.

Having carefully reviewed the record, the controlling case law, and Plaintiff’s objections, the court agrees with Magistrate Judge Vescovo’s decision. Because she thoroughly explained her decision and because an issuance of a more detailed written opinion would be unnecessarily duplicative and would not enhance this court’s jurisprudence, the court ADOPTS the report and recommendation of Magistrate Judge Vescovo for the reasons

¹ This matter has been referred to the United States Magistrate Judge for management and for all pretrial matters for determination and/or report and recommendation as appropriate [DE# 17].

set forth in her order.

Accordingly, Defendant Cole's motion to dismiss is PARTIALLY GRANTED and PARTIALLY DENIED. The motion is granted as to Plaintiff's First and Fifth Amendment claims, and those claims are dismissed. Plaintiff's claim under the Fourteenth Amendment will be treated as a claim under the Fourth Amendment, and his claim under the Fourteenth Amendment is dismissed. In all other aspects, Defendant's motion is denied.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE